

TARLOW & BERK PC  
Barry Tarlow, State Bar No. 36669  
Mark O. Heaney, State Bar No. 50724  
Attorneys at Law  
9119 Sunset Boulevard  
Los Angeles, California 90069  
Telephone: (310) 278-2111

Attorneys for Defendant  
Richard Ayvazyan

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD AYVAZIAN,

Defendant.

CASE NO. SA CR11-0180-CJC

**ADDITIONAL LETTERS RE  
SENTENCING**

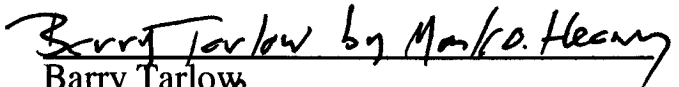
Hearing Date: July 16, 2012  
Time: 10:00 a.m.  
Courtroom: Judge Carney

Richard Ayvazyan, through his counsel of record, respectfully submits the attached letters for the court's consideration in connection with his sentencing hearing scheduled for July 16, 2012, at 10:00 a.m.

Dated: July 3, 2012

Respectfully submitted,

TARLOW & BERK PC

  
Barry Tarlow

  
Mark O. Heaney

Attorneys for Defendant  
Richard Ayvazyan

## RICHARD AYVAZIAN LETTER

June 22, 2012

Honorable Cormac J. Carney  
United States District Judge  
Central District of California

Your Honor:

My name is Richard Ayvazyan. I pled guilty to conspiracy to commit bank fraud and will be sentenced in your court on July 16, 2012. My wife, Marrietta, also pled guilty to this offense and is scheduled for sentencing on June 25, 2012. I am writing this letter to you so that you can know a bit more about me, and about my family, before you impose sentence in this case.

I was born in Yerevan, Armenia, on August 20, 1978, and lived there until June 1989. During this period, Armenia was officially the Armenian Soviet Socialist Republic, one of 15 republics of the Soviet Union. Following the breakup of the Soviet Union in 1991, Armenia became an independent nation.

Although this was a big step forward for Armenia, the country was very poor and in primitive stages compared to highly industrialized nations. Armenia was, and still is, a third world country, far less advanced than the United States, especially in terms of morals and values related to women. Armenia was not a promising land to be living in and was certainly not a place for my divorced mother of two boys to live respectfully. Besides being a poor country that devalued divorced women, it was also a country at war. Leaving Armenia was the best decision for us, so we moved to the United States in 1989.

Growing up, my immediate family consisted of my father Robert, my mother Zhaneta, and my younger brother Artur, who was born on February 9, 1980. Our extended family included my maternal grandparents, my uncles, and their wives and children. We all lived close to each in three houses on a family owned property near Yerevan.

My memories of early childhood in Armenia are not happy ones. My father was a heavy drinker who meted out almost daily beatings to my mother, brother and me, for minor transgressions, or more often, for no reason at all. On one occasion, when I was seven years old, my school uniform jacket was accidentally switched with another student's jacket. My father became enraged over this and beat me so hard that I could not get out of bed for a week.

Another time, and I remember this as if it happened yesterday, I woke up in the middle of the night to find that my mother had locked herself in the bathroom. My father was pacing the hallway with a knife in his hand, shouting, "I'm going to kill you!" I was scared to death, but in an effort to calm my father down, I suggested that we go to the kitchen where I would make coffee for him. Although I was only eight years old, I had often made coffee for him. It was really the only "bonding" activity we had. I started the coffee and then excused myself to put socks on. While my father sat at the kitchen table, I went to the bathroom door and told my mother to run. She asked me to make sure that the front door to the house was unlocked. I did, and she quickly left the house and called my grandfather. When my father realized what I had done, he beat me very severely.

This incident was the last straw for my grandfather, who refused to let my mother return to the house. Artur and I joined our mother to live with relatives on the nearby family property. Although divorce was frowned upon in the Christian Orthodox Church and in our Armenian community, my father's abusive behavior left my mother with no choice but to end the marriage.

My father remained in Armenia when the rest of the family emigrated to the United States. He remarried, had children with his second wife, and died in 2006, at age 56. I have heard that he died of a heart attack while confined at a mental institution, but I don't know if this is true. I had no contact with my father after we left Armenia.

My mother, brother and I continued to live on our family's property near Yerevan for about two years. In June 1989, we came to the United States along with my grandparents and my two uncles and their families – a total of thirteen people, none of whom spoke English. When my grandparents sold their property in Armenia, they shared the proceeds with family members. This was our "seed money" to start life in this country.

My grandfather had seven brothers, two of whom already lived in the United States. One of them sponsored us, and our entire group of thirteen people lived with him in Sherman Oaks for a few months before relocating to various places in southern California. My grandparents, mother, brother and I moved to an apartment in North Hollywood.

I had completed the fourth grade before we moved to the United States. I was a straight A Honor Board student in Armenia, but I did not speak a word of English. Needless to say, this presented a serious challenge when I started fifth grade at Monlux Elementary School in North Hollywood in September 1989. At the beginning, I was completely lost. There was no English as a Second Language program specifically for Armenians, so I had to listen to lessons taught in a completely foreign language. My problems were made worse by a supposed Armenian friend who deliberately mis-translated things for me. But eventually, I figured it out, and by the sixth grade I was once again a good student.

We lived in our North Hollywood apartment for four years. My mother took a job in a sewing factory which paid her about \$40 a week. She traveled to work by bus because we had no car. My grandparents helped us pay the rent and other expenses.

In about 1993, we moved to another apartment in a rather bad section of Van Nuys. I attended Millikan Junior High School in Sherman Oaks, where I earned mostly A's and B's. During junior high school, I developed a love for roller hockey and ice hockey, and became captain of our school team. I was always on skates after school, practicing and playing. In one pickup game, when I was only in seventh grade, I played so well against a college age opponent that he offered to take me to a tryout for the International Hockey League. However, my mother would not let me go.

At age 14, while in junior high school, I passed out flyers for a pizzeria in Van Nuys every day after school for a couple of months, earning about \$30 per week. I was then hired to do the same thing for a Thai restaurant. I put ads for the restaurant on people's doors.

My grandfather died from lung cancer in 1994. He was set in old, traditional ways, and did not adapt well to life in the United States. Although I was not close to my grandfather, I adored my grandmother, Mariam. She learned to speak English and became a naturalized U.S. citizen. She had a big heart and great wisdom. We spent hours talking, and she taught me many things about life. My grandmother died three years ago. I still miss her very much.

I attended Grant High School in North Hollywood, where I again received mostly A's and B's until the second semester of my senior year, when my grades slipped a bit. While in high school, I took a job pumping gas at a Mobil station a few blocks from the campus. Unfortunately, this job ended after only two weeks when I mistakenly left a gas line attached to a customer's car and he drove off, pulling it from the pump. But I quickly moved on to a new job working for an industrial equipment cleaning service owned by my friend David's uncle. Three days a week, Friday through Sunday, we would go to manufacturing plants to clean crushers, loaders and other pieces of heavy equipment, using strong degreasers and acid. This was very hard work, but it paid well. I made between \$80 and \$100 per day. After a year, David quit the job and his uncle offered to

make me a partner in the business. I turned him down because I was still in school. During my high school years, I also worked as a salesman in the housewares department of a Sears store in Van Nuys, as a telemarketer for AT&T long distance services, and as a seasonal stocker at Macy's.

I graduated from high school in 1997 and attended Valley College for two years, taking general education courses toward an AA degree. My plan was to transfer to Cal Sate University Northridge and major in advertising. While in college, I completed a training program and took a position as part time teller at Wells Fargo Bank. Later, this became a full time position. For two years, I worked at the bank from 9:00 a.m. to 2:00 or 3:00 p.m., and then attended college classes until about 9:00 p.m. I also continued cleaning equipment on weekends. In spite of this hectic schedule, I still managed to get decent grades. But ultimately, all of this became too much for me, and I decided to leave college, only six credits short of my AA degree, to work full time at Wells Fargo. My mother and brother were not working and I was the sole source of financial support for the family.

In 1999, when I was 20 years old, I was arrested and charged with grand theft. I pled nolo contendere and the court put me on probation for three years. I completed my community service and met all of the other conditions of probation, so the court terminated the probation after about a year and a half. Later, the court reduced the charge to a misdemeanor, set aside my plea, and dismissed the case.

For the past twelve or so years, I have worked primarily in the field of real estate. In 2003, I completed a training course and passed the state examination for certification as a real estate agent. However, my license was denied because of my criminal conviction. In February 2004, I again completed the class, passed the test a second time, and received a restricted license which allowed me to work under the supervision of another licensed agent.

The best thing in my life, by far, is my family. I met my wife Marietta at an office Christmas party in 2001. For me, it was love at first sight, but I guess the feeling was not mutual because it took me six months to get Marietta's telephone number, and another four months to persuade her to go out with me. We had our first date on June 25, 2002, became engaged in March 2003, and were married on January 3, 2004.

Marietta is the love of my life. She is a wonderful mother and the best, most supportive companion a man could ever hope to have. In December 2008, Marietta started Little Rock Stars, a children's hair salon in Sherman Oaks. The business is doing well and starting to earn a modest profit. Marietta also cares for my mother who suffers from diabetes and high blood pressure and is losing sight in both eyes.

Marietta and I have been blessed with three wonderful children. Our first child, Daniel, was born on January 26, 2005. He is in first grade at Encino Elementary School. Until recently, he also took classes two days a week at Kumon Learning Center, where he received awards in math and english. Education is very important to Marietta and me, and we have done everything we can to promote and ensure that our children get a good education.

Daniel is a big sports fan and will watch entire basketball and football games on television with me, taking pains to point out things I may not have noticed. He is also my "fishing buddy," joining me on trips to a trout pond in Agoura Hills. Daniel is very mature and responsible for his age, and I see a lot of myself in him. I do my best to bring out his good qualities and guide him in the right direction. One of the biggest setbacks in my life was not having a father figure to guide and teach me. Therefore, I try to be the best father I can possibly be to my three children.

Our middle child, Juliana, was born on March 13, 2006. She attends kindergarten at the same school as Daniel and also went to the Kumon Learning Center twice a week. Juliana is very advanced in her class, and recently won a Teacher's First Choice Award. She and other students who received the award were taken out to lunch by their teachers. Juliana has little interest in watching television, preferring to spend her time reading and writing. She also takes piano lessons, and enjoys organizing her room and keeping it neat and clean.

We call Juliana "the boss" of the children. Although she can be bossy at times, she is very organized and good at taking care of her two brothers. Juliana loves and respects her brothers very much. She is the true definition of a sister, and carries out her role perfectly even at such a young age. We are very proud of her accomplishments in school and music, and her tender love and care at home.

Our son Robert, born on December 26, 2007, was in preschool at Smile Learning Academy. However, we recently had to take him out of the program for financial reasons. Robert loves to watch cartoons, is a big fan of action heroes like Batman and Spiderman, and idolizes his brother Daniel. When his brother and sister are at school, he enjoys imaginary play with his toys and action figures at home. He can play for hours on his own in a creative way, and we encourage this because imaginary play is important for children to advance creatively.

Robert seems like he will be the artist in the family. It's too early to know how he'll do academically, but he's a happy, playful four year old right now. He looks up to his brother Daniel, and takes his word for everything. He's the ideal little brother so to say, and they get along great. All three of our children are close to each other. Marietta and I are very happy about this.



My brother Artur and wife Tammy have two daughters, Angelina, six and Natalie, four. I have a wonderful relationship with my nieces, who come to our house often to play with our children. I want Daniel, Juliana and Robert to have a close relationship with their cousins, so I am pleased that they come over regularly. My brother and I are very close, and I hope for that relationship to continue with our own children. They are all very smart and caring towards one another, and we would like to see that relationship continue to grow stronger.

Although I have worked hard my whole life, I have made a conscious effort not to be an absent father. I usually take Daniel and Juliana to school in the morning, and pick them up after school. I am very strict about homework and spend a lot of time working with the kids on their assignments. Being a father is the most important role of my life. I carried a lot of hurt from my father, and I vowed to be very involved with my own children. I have a strong relationship with each of them in a different way. I interact with them daily in order to stay connected.

Marietta and I have a mutual understanding of how important the parenting role is. Our weekends and family vacations always involve our children. Everyone comments about how close and at ease we are with our children. They are so important to us and we strive to do what is best for them.

Saturday night was always "date night" for Marietta and me. We put so much time and effort into the children and their activities, that we sometimes neglect each other, so we always made sure to go out on Saturdays to keep our relationship and communication strong. My mother would look after the children and we would go out to dinner and a movie. This was our routine for years, but we haven't done it much since the criminal charges were filed against us last July.

For the past year, Marietta and I have experienced much stress, anxiety, shame and depression as a result of our arrest and criminal prosecution. Financial pressures have also increased so that we are no longer able to afford Kumon classes for Daniel and Juliana and preschool for Robert. There have been other financial strains as well, but we are strong advocates of advanced learning, so it was very disappointing to do that. We have always been a highly respected family in the Armenian community, and our conduct and the resulting criminal prosecution have brought us great shame. We don't attend as many public events and family gatherings as we used to. However, Marietta and I try to remain strong and make sure the children are not affected by this. It seems that time with the kids is our only escape from the adversities we now face.

Job loss is another difficult issue that I have been dealing with. After being in the real estate field for years, it hasn't been easy for me to change careers and move in a completely new direction, especially in today's bad economy. Since my arrest, I have actively looked into many



different jobs and applied for positions that are available. I am not a man who is comfortable without a job, and while I have greatly enjoyed spending time at home with the children, it has been very difficult for me to not be the family breadwinner. But I am happy to say that my persistent job search recently met with success as I have been hired to do business and marketing work for Adventure Helicopter Tours. I completed my training program and went on the payroll June 1st. I will earn \$36,000 plus commissions. Also, I am thankful that Marietta's business is helping us pay our bills. We've downgraded quite a bit, but we are surviving, our children are happy, our relationship is stronger than ever, and we are hopeful. As difficult as it may be, I am looking forward to a new career.

Although we interact daily with our children, Sunday is our family day. We usually attend services at a Christian Orthodox church in Encino, go out to lunch, and then spend time together doing things the kids enjoy. Religion is important to Marietta and me, and has played a big role in helping us cope with our current difficult situation. Conversations with Father Aznikian have strengthened me and helped me get a better perspective on things. During this past year, I have learned much about myself, both my strong points and my weaknesses.

I recognize that I made false statements to banks, and broke the law, and must now face the court's judgment for my actions. I do not seek to defend these actions in any way. But I would like the court to understand that it was never my intention to cause harm to the banks. I believed that I would be able to satisfy all of my financial obligations. Unfortunately, I was not able to do so and, as my financial situation grew steadily worse, I resorted to the short sale in order to avoid foreclosure.

My purpose was not to make an illegal profit, but to provide my family and myself with a fine place to live. I reached too far to achieve this goal and lost sight of the impact my actions might have on me and those who are so dear to me. Now, as I face sentencing, I am fearful of the possibility of being separated from my wife and children. They are the most important people in my life, and I will never in the future do anything to cause them pain. My own sense of guilt and shame over what I have done is magnified a hundred times when I look into the eyes of my children.

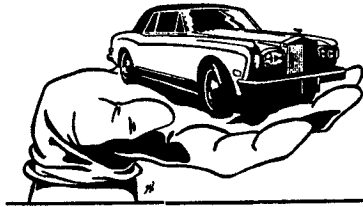
I am sorry this letter is so long, but there are many things I wanted to say to you. Thank you for taking the time to read it.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Ayvazyan", enclosed within a horizontal oval shape.

Richard Ayvazyan

## ARMEN MAKARYAN LETTER



## TUJUNGA CAR WASH

5553 TUJUNGA AVE., NO. HOLLYWOOD, CA 91601

Honorable Cormac J. Carney  
District 411 West Fourth Street  
Santa Ana, California 92701

Dear, Honorable Cormac J. Carney

My my name is Armen Makaryan. I own and operate a car wash in North Hollywood. Richard is my wife's cousin, but we have become good friends through family gatherings. I've known Richard for About 10 years now. I have known him to be a hard worker, family oriented, and very respectful of others. I know he hasn't had his father around since he was very young, and I know how stressful that can be on a son because I lost my father when I was 27 years old, and life is very hard for a man to go through without a father. I know that has bothered him quite a bit, but he struggled to take care of his younger brother and mother, and worked since he was very young. He has built a great character for himself and people enjoy his company because of his kind and loyal characteristics. I also know that recently he has been very stressed to be out of work, but he has been taking care of the children and household while his wife is working. He is a family man, and he strives to offer his children, wife and mother the most he can. Your honor, I ask that you are lenient on this man for he plays a big role in his family, and his mother, wife and children would be lost without him. They have been going through major stress with this case, and they need him most right now.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Armen', followed by a long horizontal line.

Armen Makaryan

**(818) 762-4027**

## BRIAN PANE LETTER

Ewing &  
Associates

**Sotheby's**  
INTERNATIONAL REALTY

13501 Ventura Boulevard  
Sherman Oaks, CA 91423  
t 818.990.8700  
f 818.990.8848  
www.EwingSIR.com

Honorable Cormac J. Carney  
United States District Judge  
411 West Fourth Street  
Santa Ana, CA 92701-4516

Dear Judge Carney,

I am writing this letter with the hope that it will be read and help to make a difference in the outcome For Richard's Ayvazyan's sentencing. I am 35 years old, I live in Encino, CA and I have been selling Real Estate to many families over the last 15 years. I am a person of integrity, I am a person who contributes to people and society, I participate in many charities, and some might say I am successful, but most of all my proudest accomplishment is that I am a recovering Alcoholic. My sobriety date is August 3, 2009 and on that day I was given by God a 2<sup>nd</sup> chance at life and a 2<sup>nd</sup> chance to do things right. The reason why I am mentioning this to you Your Honor is because we all fall short at times and make the wrong decision, as Richard obviously has done in this situation. I have had a chance to spend many hours with Richard throughout the last year and I can Share with you that he is also a man with integrity, a person who contributes to people and there lives, a person who gives his time to others, a person who cares for others and is a giver, an unselfish man. I have witnessed first-hand what a good father he is and how he spends a lot of time with his kids, showing them how to be good citizens. I have been to his house when his wife and mother cook these incredible lunches and dinners for friends and family. I was very sad to hear about this problem of his, I can only imagine that the decision he made went against all of his beliefs, I am sure that being arrested for this must have been very sobering to him. Your Honor When the time comes to sentence Richard, I stand behind him, as I know what kind of person he is, and what he offers to society as a human being. This is not a seasoned criminal in front of you, but a man who made a very careless decision and has been paying for it since. Thank you for reading this letter Your Honor and please allow Richard to come back home as he will be of better use here at home with friends, family, and others here in this society, he should be given his 2<sup>nd</sup> chance as I have been given on August 3, 2009. I appreciate that you have taken the time to read this letter and will pray that Richard makes it back home on July 16, 2012.

Best,

  
Brian Pane